STATE REPRESENTATIVE
FREDERICK P. KESSLER

WISCONSIN STATE ASSEMBLY

12TH DISTRICT

Statement of State Representative Frederick P. Kessler
Assembly Committee on Corrections and the Courts
Wisconsin Capitol—Room 415 Northwest
Thursday, March 11, 2010
Assembly Bill 759

I appreciate the committee holding a public hearing this bill. AB 759 is an important bill for safeguarding our communities from sex offenders. It is very important that we keep our children and communities safe from sex offenders. AB 759 seeks to do just that by creating statewide regulations on where sex offenders may live, thus making it easier for law enforcement to keep track of such criminals.

Under the current law, each city, town, village and county can enact their own ordinances or resolutions to regulate where sex offenders may reside. The city of Franklin was the first to pass a local ordinance regulating sex offenders, making it a crime for them to live within 2,000 feet of a list of 22 different types of locations. Other communities soon followed suit. I agree that it is important to keep our children safe and away from sex offenders. However, communities passing these ordinances are achieving opposite results: by making it harder to find a place to live, sex offenders are hiding within the communities, moving to large cities, or are flocking to rural communities that do not have the police power to monitor them. They are forcing their local sex offenders on other communities, or, even worse, forcing them underground, and making others less safe.

Underpasses, old motels and back alleys become some of the homes for sex offenders. Others use false addresses in neighboring communities with more relaxed laws to evade the Department of Corrections (DOC). In every case, pushing offenders out of our communities simply makes them harder to find and keep track of. In Green Bay, for example, a regulation on sex offender residency prohibiting them from living in nearly 90% of the city was enacted in 2007. The number of sex offenders refusing to register with the city has more than doubled since the passage of this ordinance. By eliminating the patchwork of regulations, we can create a state wide system of regulation, and help the DOC ensure that these offenders do not strike again.

Large cities in Wisconsin have larger numbers of registered sex offenders. In Milwaukee there are 1,658 registered sex offenders and Madison holds 466 registered offenders. Franklin on the other hand, only has 14 registered offenders and Greendale has 7. This bill is not looking to push those offenders out of cities like Milwaukee and on to other

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surrounding communities. This bill is simply designed to make the burden on each community fair, by requiring each community to take in the offenders who lived there prior to their conviction. When communities take responsibility for monitoring its own sex offenders, it is easier to ensure that they do not strike again.

This bill also seeks to strengthen the penalties for violating DOC prohibitions on certain sex offenders. Currently the DOC is charged with creating areas that sex offenders are prohibited from entering or leaving to help ensure public safety. Sex offenders who are charged with being sexually violent or those who have committed certain offenses against children are tracked by the DOC with a global positioning device (GPS). Offenders who are tracked by a GPS and who violate the prohibitions on movement are subject to a $200 forfeiture.

This bill would make the punishment for violating the movement prohibitions stronger. First, the DOC would create a prohibition on sexually violent persons and those convicted of a class 1 child sex offense from entering areas where children aged 16 years and younger congregate. This provision would make certain that sex offenders are not near our playgrounds, schools, parks, or anywhere else children gather and would apply to any sex offender on parole, probation, extended supervision, conditional release, or supervised release. Second, an offender who violates this prohibition would be guilty of a Class I felony and face revocation of his or her release. Additionally, if the offender was guilty of a level 1 child sex offense and enters or leaves **any** area prohibited by the DOC, then his or her release is revoked. This penalty goes much farther than a $200 forfeiture in deterring offenders from movement into and out of areas designated by the DOC as prohibited.

Finally, studies have shown that sex offenders who are able to live within their home community have a lower rate of recidivism. When a sex offender is faced with an inability to live within such a community, they are then compelled either go to rural communities with less restrictive ordinances or they must go underground within their home community. This leads to less control by their families and an inability of law enforcement to monitor their actions. Combined, these factors lead to higher recidivism according to studies done across the country.

There has been great support for this bill in the local communities of Wisconsin. The City of DePere recently **unanimously** passed a resolution to support this piece of legislation. There is support from law enforcement agencies, from county associations, the Department of Corrections, and other communities around Wisconsin. These communities understand that keeping sex offenders out of their communities forces them to go underground and results in their unmonitored movement around the state. They also understand that it is not fair to dump their own residents on other communities because of their regulations on sex offender residency. By making it easier to keep track of sex offenders within the community, we can make our communities safer for our children and families.

2009 Assembly Bill 759

Testimony before the Assembly Committee on Corrections and the Courts
March 11, 2010

Good Morning Chairman Parisi and members of the Assembly Committee on Corrections and the Courts. My name is Melissa Roberts and I am the Executive Assistant for the Department of Corrections. Prior to this recent appointment, I spent over 4 years as the Director of Sex Offender Programs for our Division of Community Corrections. I also spent 9 years in the field as a community corrections agent supervising sex offenders in Beloit, Chilton, and Milwaukee and then as a field supervisor of a sex offender unit in Milwaukee. Thank you for the opportunity to testify today in support of Assembly Bill 759.

Supervising sex offenders in a manner that protects the community is and has been a priority within the Department for many years. As of March 10, 2010, there were 21,284 individuals assigned to the Sex Offender Registry; 5,132 of those registrants are currently being supervised by state community corrections agents. The remaining registrants include 5,938 confined in prison, and 10,214 who have terminated from supervision, but still must register with the Sex Offender Registry. In order to meet the challenges posed by this population of offenders, the Department has implemented a thorough and detailed program of specialized supervision of sex offenders. This program is specifically intended to limit the offender's access to potential victims, and provide the means to closely monitor and verify the offender's activities using tools such as electronic monitoring, Global Positioning System (GPS) tracking, polygraph testing and other methods. In addition, there have been strong pieces of legislation enacted over the past few years that have increased sex offender accountability. These include Jessica's Law which created mandatory minimum sentences for certain sex offenders and mandatory lifetime GPS tracking for certain serious sex offenders. This bill would enhance our current GPS law by creating a new felony offense for the most serious sex offenders who violate exclusion zone restrictions. This mandates DOC to create exclusion zones to prohibit certain sex offenders from entering areas where children congregate.

Except in very limited circumstances, sex offenders who are released from prison are returned to the county of conviction or county of residence. Special Bulletin Notifications (SBN) highlighting the release of certain sex offenders must be provided to law enforcement at least 30 days prior to release. This ensures law enforcement has an opportunity to notify the community before the offender takes up residence. In addition, the Department makes it a practice to require every sex offender under the supervision of an agent to make a face-to-face contact with the local law enforcement agency overseeing the municipality in which they reside. Law enforcement also has secure access to an expanded version of our Sex Offender Registry Web site. In addition, the most recent enhancements to our Sex Offender Registry Web site include mapping functionality and an email notification system through a partnership with Family

Watchdog. This allows citizens to receive email alerts whenever a registered sex offender moves into their neighborhood.

Some communities across the state have considered or enacted ordinances relating to sex offender residency or other restrictions over the past few years. There are currently over 100 municipalities that have passed ordinances prohibiting sex offenders from residing or loitering in specified areas in the community, compared to 26 ordinances that were in existence in 2008. These restrictions vary in distance, applicable populations (e.g. adult vs. juvenile registrants) and the definition or "list" of restricted areas. This has created an inconsistent patchwork of ordinances across the state and creates an environment of "one-upmanship" among communities.

The Wisconsin Department of Corrections is regarded as a national leader in strategies to monitor sex offenders and hold them accountable in the community. Our registry compliance rate is more than 90 percent, far outpacing the national average of 76 percent. Our supervision methods and policies have garnered the attention of correctional systems from across the country and internationally. We pride ourselves on the use of smart, effective strategies that are supported by research-based evidence in monitoring sex offenders in the community.

Following extensive research into the experiences of other states, our Department has found no studies or evidence to suggest that residence restriction ordinances have a positive impact on public safety. These local ordinances generally apply to all registered sex offenders, including juveniles, regardless of whether their offense was against a child. A study by the Minnesota Department of Corrections found that offenders who committed another sex offense against a child accessed that victim through a social relationship, not geographically. More than half the recidivists came into contact with their victim not through residential proximity but through "social or relationship proximity" to the victim. The most common example was that of a male offender who accessed his victim in the course of dating the victim's mother. (Human Rights Watch, September 2007). To quote Kim English from Colorado, "It is not where they live, it's how they live."

Conversely, as we have learned from the experiences in Iowa, which passed a statewide residency restriction law, such measures have the negative effect of pushing sex offenders away from the supervision, treatment, stability, and supportive networks that we know from research are crucial for a successful reentry into the community and ultimately enhances public safety. We believe residential restrictions create consequences that actually undermine public safety, such as:

- Homelessness or transience in housing;
- Inability to maintain stable employment due to lack of access to public transportation;
- Lack of access to treatment options;

- Disproportionate concentration of sex offenders in particular neighborhoods;
- And offenders gong "underground" and becoming noncompliant with the Sex Offender Registry.

Assembly Bill 759 protects Wisconsin from the formation of de-facto "colonies" where sex offenders would otherwise be forced to cluster. The measure also upholds the previous statutory directive by the Legislature for the Department to work at minimizing the residential population density of sex offenders [ref: W.S. 301.03(19)]. The bill also reinforces the Department's previous policy and current statutory requirement [ref: W.S. 301.03(20)] to return sex offenders to their county of conviction or their county of residence, and not push sex offenders into a community where they have no ties or support systems, which creates instability that ultimately places community safety at risk.

It is important to note that residency limitations can be – and often are – currently imposed case-by-case, for example through court order or by a community corrections agent in instances where the offender is under active supervision. Such limitations are tailored to the dynamics of the offense; an assessment of his/her employment, family and social support; the offender's supervision and treatment plan; and the length of time the offender has lived in the community offense-free.

According to Department policy, agents must assess the residence of every sex offender on active community supervision. The assessment includes:

- A thorough on-site inspection of the residence and neighborhood;
- An interview with others living in the residence to make sure they are aware of the offender's history and to determine their willingness to support the goals of supervision;
- Providing copies of the offender's rules and conditions, as appropriate;
- And, if the offender's victims have been children, agents must check with county Dept. of Human Services and with DHS to determine if there are any licensed or certified daycare facilities in the area.

The issue of residency restrictions for sex offenders has been thoroughly looked at by the state legislature. In 2005, a Legislative Council Study Committee on the Placement of Sex Offenders was chaired by Representatives Bies and Suder. This committee was tasked with analyzing the issue of sex offender placement and providing recommendations to the legislature. Members of the committee included representatives from law enforcement, the courts, treatment, and citizen action groups such as Citizens for a Safe Wisconsin (formerly Citizens for a Safe Franklin). After months of researching the topic and hearing from multi-

disciplinary practitioners, the committee brought forth numerous recommendations, none of which included implementing a statewide residence restriction. The ultimate and consistent conclusion was that residence restrictions would not make the citizens of Wisconsin safer, but instead instill a false sense of security and drive sex offenders underground.

We believe that public protection from sex offenders is advanced through a combination of effective supervision strategies such as the ones I have previously described, as well through the close collaboration with local law enforcement agencies and other community stakeholders, and through a strong registry database and web site program that keeps offenders visible to members of the community. We believe Assembly Bill 759 keeps public safety at the forefront for all Wisconsin communities, and prevents Wisconsin from experiencing the problems that continue to impact Iowa and communities nationwide.

Thank you for the opportunity to address the committee on this bill. I welcome any questions you might have.

Roberts, Melissa B - DOC

From: NMSC SOM Collaborative [SOMC-L@unm.edu] on behalf of Taylor, Allison [Allison.Taylor@DSHS.STATE.TX.US]

Sent: Tuesday, February 23, 2010 3:27 PM

To: SOMC-L@LIST.UNM.EDU

Subject: [SOMC-L] Residency Restrictions

WHITE PAPER ON THE USE OF RESIDENCE RESTRICTIONS AS A SEX OFFENDER MANAGEMENT STRATEGY

The United States has witnessed an increase in sex offender management policy beginning in the 1990's and continuing through as recently as 2006 at the Federal, State, and local level. As a result, laws have been enacted with the intention of protecting the community from sex offenders including the recent Adam Walsh Child Protection and Safety Act of 2006. Part of this movement has included the passing of zoning and residence restrictions, which prohibit convicted sex offenders from residing within a certain distance of areas where children typically congregate or from living in the same residence with another convicted sex offender. Currently, approximately 30 of the states in the U.S. have enacted statewide residence restrictions (Koch 2007). Although well intentioned and with the safety of the community in mind, these ordinances are often passed without consideration of the research and are typically ineffective for a number of reasons. Consequently, there is an emerging and escalating necessity to address these laws, which may seem appealing to the community, legislature, and policy makers despite growing concerns regarding their actual effectiveness.

A number of years ago Colorado experienced several jurisdictions contemplating such policies after a concerned citizen notified the media of a Shared Living Arrangement (SLA) in her neighborhood. (SLA's are residences where more than one convicted sex offender resides while receiving intensive correctional and treatment services). At the time there was a lack of knowledge and research regarding the use of SLA's and their effectiveness in managing high risk sex offenders. This, coupled with negative media exposure, led to the passing of several local zoning restrictions which prevented more than one sex offender per residence from being housed in the jurisdiction. When the Colorado Legislature became aware of what local jurisdictions were doing and received a request to pass a state law, they requested that the Sex Offender Management Board (SOMB) conduct a formal study on the safety issues pertinent to SLA's and residence/zoning restrictions.

The SOMB is a legislatively created board administered by the Division of Criminal Justice, Colorado Department of Public Safety. The SOMB has been mandated to develop Standards for the treatment and supervision of sex offenders. The SOMB's philosophy is to support research based community and victim safety policy development through a collaborative approach. As requested, a research study was conducted in 2004 in reference to the proximity of sex offender residences to schools and childcare centers and the related impact on community safety. This study utilized information on 130 sex offenders from the Denver metropolitan area in conjunction with plotting the subjects' residences on maps.

The findings of the research revealed that among sex offenders who reoffended, there were not a greater number of sex offenders living within proximity to schools and childcare centers than those who did not live in proximity locations. In addition, sex offenders who received positive support (i.e. family, friends, treatment, SLA's, and employers who were aware of the sex offender's issues and held the offender accountable in a supportive fashion) had significantly lower numbers of probation violations and reoffenses than those with no support or negative support (Colorado Department of Public Safety 2004). It should be noted that this finding has been supported by numerous other research studies related to residence restrictions and recidivism rates regarding the reintegration of sex offenders (Minnesota Department of Corrections 2003 & 2007; Ohio State University 2009; Levenson, Zandbergen, & Hart 2008).

Minnesota Department of Corrections conducted two important studies in 2003 and 2007 regarding the impact of

residence restrictions. The first study focused on residential placement issues of high risk offenders and found that there was no evidence that residential proximity to schools or parks affected recidivism. This was replicated by Levenson, Zandbergen, & Hart in 2008. Furthermore, the Minnesota study revealed that residence restrictions were limiting most high risk sex offenders to residing in rural, suburban, or industrial areas resulting in fewer supervising agents and less available services (Minnesota Department of Corrections 2003). The latter study conducted in 2007 was about residential proximity and recidivism and revealed that none of the 224 sexual recidivists studied would have been affected by residency restrictions. It was also learned that even when offenders made direct contact with juvenile victims, the offenders were unlikely to do so close to where they lived because they were attempting to maintain anonymity. One of the most compelling factors discovered in this research was that in 16 years of discharging sex offenders from the prison, none of the recidivists who returned due to a new sex offense resulted from contact with a juvenile victim near a school, park, or daycare (Minnesota Department of Corrections 2007).There has recently been a considerable amount of research focusing on the successful reintegration of sex offenders. As a result, common themes have been discovered that significantly impact recidivism, which are stable housing or living accommodations, secure employment, and positive support systems/resources. States that have enacted residence restrictions have conducted empirical studies showing that the laws have actually proven counterproductive to these factors because they often cause destabilization to sex offenders (Iowa, California, Florida, and Ohio). Consequently, there has been discussion that the ordinances may in fact inadvertently exacerbate the factors correlated with recidivism (Ohio State University 2009).

A recommendation was made by the SOMB in 2004 indicating that placing restrictions on the location of correctionaly supervised sex offender residences may not deter sex offender re-offense and should not be used as a universal sex offense management strategy. Such decisions should be made on an individualized basis by the sex offender's Community Supervision Team. Furthermore, it was suggested that the imposition of residence restrictions may increase the risk of re-offense by forcing sex offenders to live in communities where positive support systems may not exist, and they may be removed from accessible resources or live in remote areas providing them with high degrees of anonymity. This has been further supported by the Association for the Treatment of Sexual Abusers (ATSA 2005).

More recently, in 2008, the Colorado SOMB conducted a statewide survey of varying law enforcement jurisdictions regarding their sex offender residency restriction policies, if any. Twenty-eight (28) jurisdictions across Colorado participated in this on-line survey. Approximately 20% of participants had sex offender residence restrictions in place. Most of the jurisdictions that had the restrictions limited housing for registered sex offenders to at least 1,000 feet from any schools or daycare settings.

This study compared data from jurisdictions that did not have residence restriction ordinances (n=22) to jurisdictions that did have them in place (n=6). The average population of the jurisdictions that did not have residence restrictions in place was twice as high as the average population in the jurisdictions that did have them in place; however, the average number of registered sex offenders was higher in the jurisdictions with residence restrictions in place. Additionally, the average number of sex crime arrests in jurisdictions with residence restrictions in place was twice as much as the average number of sex crime arrests in jurisdictions that did not have them. There did not appear to be any differences in the number of offenders who failed to register, by sex offender population, in both types of jurisdictions.

Out of the six (6) jurisdictions that had residence restrictions in place, two (2) reported data regarding sex offender population, sex crimes, and failure to register information prior to when the ordinances were imposed. Of these two (2), there were no significant changes in the number of registered sex offenders or number of sex crimes after residence restrictions were enacted. However, the number of registered sex offenders who failed to register, perhaps going underground, seemed to increase after the ordinances were enacted.

On a national level, research from the U. S. Department of Justice conducted in 2000 indicated that 93% of child sexual abuse victims knew their abusers (Bureau of Justice Statistics 2000). This information has been confirmed through subsequent research and may in fact be a conservative number. Studies have also shown that most sexual offenses are committed in the offender's or the victim's home (Greenfeld 1997; Bureau of Justice Statistics 2000; Smallbone and Wortley 2000; Colombino and Mercado 2009). Research conducted in other states, including Iowa and California, indicate that homelessness, absconding from supervision, and not registering for tracking purposes all appeared to be significant byproducts of residence restrictions (Davey and Rood 2006, Thompson 2007). Additional research has revealed that residence restrictions have negatively impacted the risk for recidivism with sex offenders due to increased isolation, financial hardship, decreased stability, and lack of support (Levenson and Cotter 2005).

The national legislation that began in the 1990's in this country were purportedly enacted to better track sex offenders in an effort to increase public safety, which appears at odds with proximity restrictions as many sex offenders end up going underground and/or providing false or inaccurate address information. This renders registration databases incomplete and unreliable, making tracking ineffective. Many of the states that originally enacted residence restrictions have expressed regret due to aforementioned issues, along with enforcement difficulties and legal dilemmas regarding constitutional rights. Many constituents in Iowa have been actively working to repeal their residence restriction law and victim centered programs have begun publicly expressing disagreement with such laws due the negative impact they have on treatment and monitoring efforts of sex offenders (Iowa County Attorney's Association, California Coalition on Sexual Offending & New Hampshire Coalition Against Domestic Violence and Sexual Violence). One of the most concerning aspects of the implementation of residence restrictions, locally or nationally, is the passing of policy and law without consideration for research, best practice, and effective methodology. This often results in unintended, counterproductive consequences which negatively impact community safety.

An additional important factor to note is the false sense of security that can result from these types of ordinances. The concept of limiting where a sex offender sleeps at night versus where he/she spends time during the day if not supervised through the criminal justice system seems ineffective. Many residence restrictions are worded so that the prohibited party is able to frequent any place, but is excluded from residing near areas where children commonly gather. There are sex offenders living in all communities because nationwide the minority of convicted sex offenders are sentenced to imprisonment or incarceration. Accordingly, housing has become a near epidemic issue, especially for those labeled high risk. Legally, these offenders have the right to secure a residence and as previously stated they are most likely to succeed in the community if they are afforded that right.

Politically speaking, a government official does not typically want a reputation of being soft on sex offenders. This is likely the perception of a political figure opposing residence or zoning restrictions if the community as a whole is not sufficiently educated, regardless of the ineffectiveness of such laws. Society often relies on sensationalized media accounts to educate them about sex offenders, policy, and laws. Thus, creating effective and responsible community safety policy and laws on a local and national level are cumbersome and complicated.

Communities are obviously concerned with their overall safety and as a result sex offenders have become a common topic of debate and controversy. This is evident in the legislature, the justice system, and in the media. Representatives of such systems have tended to focus on extreme cases and as a result, myths have been perpetuated and led to emotional reactions of sort. The Federal laws driving sex offender policy (Wetterling, Megan's Law, and the Adam Walsh Act) are all a result of tragic crimes that received media and legislative attention. Ironically, they are in fact, the rarest types of sex offenses and represent less than 1% of sexual assault convictions in the nation (Levenson and D'Amora 2007). As a result, implementation of these policies has been problematic because once a law is enacted, it becomes difficult to reverse. Furthermore, to date there is no research indicating that residence restrictions are correlated with reduced recidivism or increased community safety.

Colorado has historically been proactive with regard to the management of sex offenders. The state has a Board, standards for treatment providers, and has conducted valuable research. Thus, the following resources, alternatives, and suggestions are provided for governmental agencies and advocacy groups involved in policy-making and legislative activity. They include, but are not limited to: implementing policy based on relevant research; funding relevant research; identifying and promoting effective methods of community education; educating law enforcement, policy makers and legislators; encouraging the use of Shared Living Arrangements (SLA's) as utilized in Colorado; promoting the containment model; and multi-disciplinary collaboration among agencies in sex offender management.

In conclusion, the ethical and responsible choices with regard to the management of sex offenders are not always the most popular. This is especially true in the current socio-political environment that emphasizes accountability, and many times, has a punitive tone with regard to sex offenders. However, the long lasting impact on sex offenders, communities, and victims require thoughtful research based policies and laws. There is much to learn from the states that have enacted such laws and research conducted thereafter. It appears counterproductive to endorse and/or institute policy and law based on fear, ignorance, and politics when it causes more problems than it solves. Community safety is paramount and should be the common goal when considering any policy or law regarding sex offenders. Residence restrictions and zoning laws as a whole are clearly counterproductive to this goal.

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Testimony of Alderman Steve Olson, City of Franklin
Assembly Bill 759
Relating to management of sex offenders and prohibitions on residency restrictions
Before the Assembly Committee on Corrections and Courts
March 11, 2010

Chairman Parisi, honorable members of the committee, members of the legislature thank you for the opportunity to testify on Assembly bill 759. My name is Steve Olson. I'm an alderman in the city of Franklin.

I come before you in opposition of this bill.

Because the City of Franklin has been a target by the state and the city of Milwaukee as a dumping ground for sex offenders, I've worked for the last six years to make certain that NO community suffers as we have.

In 2007, the City of Franklin became the second community to enact an ordinance restricting where sex offenders could reside and areas in which their presence is prohibited. Our ordinance applies only to offenders convicted of sex crimes against children. Make no misunderstanding. The city enacted this ordinance in response to the large outcry and support from OUR citizens to do just what we've done. Since we enacted the ordinances, our citizens have stood with us in protecting their children in our own small way. It is inconceivable to me that state government in Madison would have such superior insight into the unique public safety needs of any community that they could protect a child from a sex offender with this bill. Requiring an over-worked probation agent to make a subjective decision on whether a sex offender is a 100 footer or a 249 footer is at best a waste of time and at worst, legally indefensible. Local ordinances have been well researched and constructed for the benefit of the citizens of each community. They work. They're legal.

I have had the honor to work with several other communities who have sought advice and counsel in crafting similar restrictions to protect their children.

At each opportunity I stressed that each community must act responsibly and be certain that take their own sex offenders and not pass an ordinance that effectively banishes even their own sex offenders. Many communities have heard and understood this and make accommodations for their own sex offenders. Why would the state have any interest in breaking something that works?

I know the arguments that you're hearing. I've heard them over and over again over the last several years.

The DOC will tell you that residency restrictions drive sex offenders underground. I submit to you, honorable legislators, that there is no documented evidence of this claim. The fact that sex offenders continue to try to live in prohibited areas is on its' face evidence of the contrary.

In the City of Franklin resolution opposing this bill you'll find a portion of the Trial Court Decision in *State of Florida v. Schmidt, et al.,* discussing the testimony of experts who have written and testified on sex offender residency laws, concluding that sufficient and conclusive studies on the matter simply do not exist.

In addition, if a sex offender is willing to risk his freedom by not registering, I suggest that the offender is a prime candidate to re-offend and probably should not be in the general population to begin with.

You may think that such ordinances prohibit sex offenders from living where they want. Former Milwaukee Circuit Court Judge John Franke wrote "The notion that there is a right to 'live where we want' has a certain superficial appeal, but on closer analysis it is not a right at all, much less a fundamental one. Our legal traditions have not recognized an individual's right to live wherever he chooses." He wrote this in support of Franklin's enforcement of our residency ordinance.

Ladies and gentlemen, honorable legislators, I submit that these criminals have been convicted of taking the most precious gift that you can give a constituent, that being the sense of personal safety. Any measure of accommodation for sex offenders that minimizes this is un-warranted and a slap in the face of their victims.

I submit to you that this legislation is ill-conceived and will permit dangerous and unfair shifting of the burden of managing the threat of sex offenders from one community to others.

Respectfully, I ask you to consider this. Many, many of the ordinances that you are considering preempting include language that requires that they find areas in their own communities to place their own offenders. If you pass this bill you will undo the solution to the problem you profess to trying to fix.

In 2004 I made a statement to this same committee in consideration of another proposal to deal with predators and I'll reiterate it again. As a community, we'll take care of our own sex offenders; don't give us everyone else's.

I urge you to act in a reasoned and responsible manner to protect our children. Turn back this ill-conceived legislation. Defeat this measure.

I thank you for your time and consideration.

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2009 Assembly Bill 759

Testimony Before Assembly Committee on Corrections and the Courts

March 11, 2010

Anna C. Salter, Ph.D.

Good Morning, Chairperson Parisi and members of the Assembly Committee on Corrections and the Courts. My name is Anna Salter, and I am a psychologist who consults half time to the Wisconsin Department of Corrections on sex and violent offenders. I have worked with sex offenders, doing assessments and treatment for the last 30 years. Currently, in addition to my work with Wisconsin Corrections, I do civil commitment evaluations of sex offenders in different states, testify as an expert witness around the country on sex offenders, and train in this country and abroad. All in all, I have trained in 46 states and 10 countries. I have written three books on sex offenders and victims and produced several training films on sex offenders.

I am here to testify for Assembly Bill 759. Laws which establish residency restrictions on sex offenders are well intentioned and driven by the need to make our communities safer. But the test of any law or intervention regarding sex offenders is whether it works, whether it does, in fact, make our children safer. There are some interventions which are intuitively appealing but which do not deliver the hoped for results. Residency restrictions on sex offenders do not make our children safer. On the contrary, research on such laws has established that they do not reduce offending but that they increase the factors associated with reoffenses. Let me address this issue from both from a clinical and a research prospective.

Sex offender residency laws are based on the premise that sex offenders obtain victims through geographic proximity, i.e., through living near schools, parks, and day care centers. The reality is that sex offenders typically obtain their victims through relationships with the victims' parents, through their vocations and through their avocations. Sex offenders often go into fields that will give them access to children becoming music teachers, youth ministers, choir leaders, even pediatricians. If not their vocations, their avocations often give them access to children. They may mentor, babysit, coach, volunteer or foster parent. These methods of obtaining access to children do not rely on residential proximity to

schools or day care centers. Transportation is readily available in this culture. Sex offenders most often have cars. Those who don't take buses, taxis, or obtain rides. Stranger offenders, among the rarest and most dangerous of sex offenders, typically do not attack individuals in their neighborhood. There is too much chance that someone would recognize them. A study of 565 rapes found that the offenses occurred an average of more than 3 miles from the offenders' homes (Warren, Reboussin et al. 1998).

A 2004 study done by the Colorado Department of Public Safety found that recidivists and nonrecidivists were scattered geographically. Those sex offenders who lived closer to a school were not more likely to reoffend than those who lived farther away. (Colorado Department of Public Safety 2004)

A Minnesota study of 329 high risk sex offenders done in 2003 found that none of the 13 reoffenses occurred in or near schools or areas banned by residency restrictions. There were two offenses in parks. The offenders did not live near the parks but drove there (Minnesota Department of Corrections 2003).

In a second study of 224 sexual reoffenders in Minnesota in 2008, the authors found that the offenders obtained their victims through their relationships with friends, girlfriends and coworkers. The authors concluded that not one of the 224 sex offenses would have been deterred by a residency restrictions law. They stated that "of the few offenders who directly contacted a juvenile victim within close proximity of their residence, none did so near a school, park, playground, or other location included in residential restriction laws (Duwe, Donnay et al. 2008, p. 500).

If such laws are not helpful, are they harmful? Levenson and Cotter studied Florida sex offenders in 2005 and again in 2006. They found that residency laws reduced offender stability. Sixty-two percent of the sex offenders were forced to live further from family support because of residency restrictions. Fifty-seven percent had to live further from employment and twenty-one percent had become homeless (Levenson and Cotter 2005). Is a homeless sex offender with no job and nothing to lose more or less likely to reoffend?

In an Indiana study in 2006, Levenson and Hern found that residency restrictions resulted in forty-five percent of sex offenders having to live further from supportive family and friends, forty percent experiencing financial problems, and 25% having to live further away from mental health and social services. Not surprisingly, forty-five percent felt increased anger, hopelessness or depression (Levenson and Hern 2007). Is an angry sex offender who feels helpless and depressed more or less likely to reoffend? The overwhelming majority of those offenders sampled felt that if they

wanted to reoffend, they would not have any difficulty doing so nor did they see residency restrictions as a barrier. One offender said, "It doesn't matter where a sex offender lives if he sets his mind on reoffending. . . . he can just get closer by walking or driving."

I do not argue that we should be concerned about residency restrictions on sex offenders because such laws make their lives more difficult and we should feel badly about making their lives more difficult. On the contrary, if someone molests kids or rapes adults, his or her life should get more difficult. But keeping kids safe must trump all other considerations. The problem with destabilizing sex offenders is that destabilization increases the likelihood of reoffenses. A 2004 Colorado study found that those sex offenders with positive support systems reoffended less and followed the conditions of probation more (Colorado Department of Safety 2004). A 2000 study by Kruttschnitt et al., found that offenders with stable employment and social relations reoffended less (Kruttschnitt, Uggen et al. 2000). Consistently, research has shown that poor social support, lack of access to services, and negative moods have been linked to reoffending.

Many people now know about the experience of our neighbor, Iowa. The Iowa Supreme Court upheld laws setting a 2000 foot residency exclusion in 2005, resulting in the displacement of approximately 6000 sex offenders and their families. Many became homeless. The number of sex offenders who failed to register and whose whereabouts were unknown tripled. Eventually, the Iowa County Attorney's Association called for a repeal of the law saying that, "damage to the reliability of the sex offender registry does not serve the interest of public safety" and adding that "there is no demonstrated protective effect" (2006). They also noted that fewer sex offenders were willing to confess or take plea agreements and that the criminal justice system was becoming overwhelmed by trials. Some sex offense charges were being dropped as a result. We all know that plea bargains save many children from testifying, and that not all young children are able to testify. The net result was that many sex offenders were not being held accountable for their crimes at all. Of those who were, many disappeared after their release. There is little doubt that residency laws result in many sex offenders failing to register. They are then lost to supervision and to monitoring.

As a result of the negative impact that residency laws have on the safety of children, victim groups have begun to speak out against these laws. The National Alliance to End Sexual Violence has stated that, "Sex Offenders who continually move or become homeless as a result of residency restrictions are more difficult to supervise and monitor, thereby increasing the risk of re-offense. The California

Coalition Against Sexual Assault has noted that such laws cause a "general migration of sex offenders to rural communities who simply cannot monitor them, while on the other hand, the remainder of offenders in urban areas will simply go underground, failing to register."

As a parent of two children in this community, I will support any measure that will make my children safer. I know as well as anyone the harm that sex offenders do and the risk they pose. But in the war against sexual offending, what matters is what works. My concern with residency restrictions is that both my clinical experience and the research say they put children more at risk, rather than less. They destabilize offenders without offering any protective effect. They ultimately reduce the number of sex offenders who are supervised and monitored and increase the number who are unseen, unknown and free from oversight. Homeless, unstable, socially isolated, depressed and unsupervised sex offenders are more likely to reoffend, not less.

Mary Lazich

Wisconsin State Senator

Senate District 28

Senator Mary Lazich
Testimony

Assembly Bill 759
Assembly Committee on Corrections and the Courts
March 11, 2010

Greetings, Committee Chairman Parisi and committee members. Thank you for the opportunity to provide testimony to the Assembly Committee on Corrections and the Courts about Assembly Bill 759.

Assembly Bill 759 (AB 759) and Senate Bill 548 (SB 548) impose the greatest risk to children and families in the state of Wisconsin. Eliminating local ordinances that allow local communities and local law enforcement to do their jobs to protect society would put all residents, particularly children, in danger. Approving AB 759 and SB 548 would put you and all of our constituents in the state of Wisconsin collectively in danger.

Why do I say that prohibiting a local sex offender ordinance in a community remote to your district would put you and your constituents in danger? We have outstanding law enforcement in the state of Wisconsin and they do an excellent job protecting us. As a legislator you know you can speak with law enforcement in any of the communities you represent, and they, more than anyone else, are best equipped to inform you about crime in the community. They know the daily challenges to protect the community. Each day they take on the incredible responsibility of knowing their community and preempting crime. By eliminating their ability to do their job, and transferring that responsibility to the state, you, your family, and your constituents are not safe visiting or traveling through communities in the state of Wisconsin. The ability for law enforcement to fully and effectively do their job is severely hampered because AB 759 and SB 548 transfer the responsibility for community safety to the state. The state does not have the full and adequate understanding of the community. Local law enforcement does have that keen knowledge and expertise suited for their community.

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One of the communities I am honored to represent, Franklin is the leading pioneer about this issue. Franklin officials carefully examined case law, reports, studies, and articles from around the country before adopting two sex offender ordinances. Special attention was given to an important Florida trial court case October 11, 2007, *the state of Florida v. Schmidt.*

During the trial, two expert witnesses, Dr. Jill Levenson and Dr. Chris Robison agreed with research concluding that in the 15 years following release of sex offenders, about 24 percent will re-offend, and that offenders with a prior sex offense conviction have even higher recidivism rates.

Although Dr. Levenson and another expert witness, Dr. Luis Rosell both testified against sex offender residency restrictions, they both find that reducing access to children can reduce the likelihood of a sex offense. Dr. Levenson testified that she once wrote, "It makes sense that risk might be managed by reducing some of the exposure to children and prohibiting them from living near places where children congregate." Furthermore, Dr. Rosell had testified in a previous case, *Doe v. Miller* that "reducing a specific sex offender's access to children was a good idea, and that if you remove the opportunity, then the likelihood of reoffense is decreased."

Armed with this critical information, during late 2007, Franklin approved its two sex offender ordinances. During 2008, the Franklin ordinances prevailed over nine constitutional challenges, and Milwaukee County Circuit Court Judge John Franke ruled the ordinances constitutional.

Today, dozens of municipalities around Wisconsin have enacted similar ordinances. They have made the critical decision to utilize a legal and law enforcement tool they believe best suited for their communities. The state should not be stripping Wisconsin communities of their weapon to protect children.

AB 759 and SB 548 are direct attacks on the communities that have enacted ordinances, and a direct attack on children and their parents. AB 759 and SB 548 violate the all-important concept of self-governance and home rule by striking down laws that benefit the health and well-being of citizens.

Can the state be trusted with the responsibility of ensuring families and their children are safe from sex offenders? A recent, highly publicized case suggests the answer is emphatically <u>no.</u>

During 1998, a Dane County Circuit Court Judge ruled Lindon Knutson to be a sexually violent person. Lindon Knutson had a very serious criminal record including convictions for rape and kidnapping, and was committed to a mental

health facility. During March of 2009, a Dane County Circuit Court judge discharged Lindon Knutson from his commitment.

It is reported that there was one assessment of Lindon Knutson relied upon for his release. One assessment, and that one assessment, was that he was safe to be released.

During November 2009, Knutson was arrested in Wilmar, Minnesota for allegedly asking for a church tour conducted by a 73-year-old woman, and then beat, raped, and robbed the woman.

Taking away the authority of municipalities and transferring decisions about offenders' whereabouts to state bureaucrats is not just risky, it is dangerous. Committee members, please give serious consideration to the stakes. Communities in your districts are best equipped to apply safety.

AB 759 and SB 548 would repeal ordinances in communities that committee members represent including Glendale, Glenmore, the village of Wrightstown, New Holstein, the Town of Sheboygan, Oostburg, Reedsburg, and dozens of other communities throughout Wisconsin.

Think about the ramifications of this legislation. AB 759 and SB 548 are gambling. It is gambling with lives of children and the lives of all Wisconsin residents. These two bills increase the chance of children and Wisconsin residents being killed by released sex offenders, and before they will be killed, they will be tortured. We should be making it more difficult for offenders to kill children, not easier for them to sexually and violently rape and kill our constituents. We owe it to children, their parents, and all Wisconsin residents to reject this legislation, and allow communities the power to keep an important weapon in their fight against sex offenders.

My bet and my gamble are with local law enforcement, local citizens, and local elected officials, not with the state.

WISCONSIN
COUNTIES
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MEMORANDUM

TO: Honorable Members of the Assembly Committee on Corrections and the Courts

FROM: Sarah Diedrick-Kasdorf, Senior Legislative Associate

DATE: March 11, 2010

SUBJECT: Support for Assembly Bill 759

The Wisconsin Counties Association (WCA) supports Assembly Bill 759 which, among other things, prohibits a political subdivision from regulating the placement or residency of sex offenders. At its February 2010 meeting, the WCA Board of Directors voted to support enactment of a statewide uniform standard for restricting the residency of sex offenders, including a system of offender classification.

The Wisconsin Counties Association supports this legislation for several reasons:

Research: There is not currently a statewide law governing residency restrictions; therefore, several local communities have adopted their own residency restrictions. Municipalities adopting such residency restrictions have noble intentions - to protect children and keep sex offenders out.

However, the adoption of residency restrictions have unintended negative consequences. For example, in Iowa, noncompliance with sex offender registries more than doubled with the enactment of local residency restrictions due to the fact that the local ordinances created situations in which sex offenders could not find a place to live.

In addition, according to a 2004 Colorado Study, sex offense recidivism has no correlation to an offender's residential proximity to schools or child care centers.

Supervision: County law enforcement officials report that local ordinances creating exclusionary zones make it increasing difficult to supervise sex offenders. Sex offenders are

forced to live in rural (unincorporated) portions of our counties where their actions may go undetected by local law enforcement and the community as a whole. State probation and parole agents, along with local law enforcement, depend on the eyes and ears of community members to ensure all offenders, upon return to local communities, are law-abiding, productive members of society.

Human Services: County human services departments have been monitoring the passage of local sex offender ordinances as well. The current hodge-podge of local sex offender ordinances make it difficult for county human services departments to place juveniles back in their local communities following out-of-home placement/treatment. Counties have encountered situations where a juvenile is unable to be placed with their parents following release due to a local sex offender ordinance, requiring an additional out-of-home placement or requiring the juvenile's family to relocate.

The Wisconsin Counties Association respectfully requests your support for Assembly Bill 759.

Thank you for considering our comments.

Ordinance No. 1944

AN ORDINANCE TO CREATE SECTION 23.167 OF THE MUNICIPAL CODE TO PROVIDE REGULATIONS RELATING TO RESIDENCY RESTRICTIONS FOR SEX OFFENDERS AND DIRECTING ACTION FOR INJUNCTIVE RELIEF FOR VIOLATION THEREOF

WHEREAS, the Wisconsin Statutes provide for the punishment, treatment and supervision of persons convicted or otherwise responsible for sex crimes against children, including their release into the community; and

WHEREAS, Chapter 980 of the Wisconsin Statutes provides for the civil commitment of sexually violent persons, a more dangerous type of sex offender, and provides for the supervised release of such persons into the community; and

WHEREAS, the City of South Milwaukee places a high priority on maintaining public safety through a highly skilled and trained law enforcement as well as dependency upon laws that deter and punish criminal behavior; and

WHEREAS, sex offenders have very high recidivism rates, and according to a 1998 report by the U. S. Department of Justice, sex offenders are the least likely to be cured and the most likely to reoffend and prey on the most innocent members of our society, and more than two-thirds of the victims of rape and sexual assault are under the age of 18 and sex offenders have a dramatically higher recidivism rate for their crimes than any other type of violent felon; and

WHEREAS, the Common Council has reviewed the findings of a number of the Legislatures of these United States, including Wisconsin, and including, but not limited to Pennsylvania, Alabama, Iowa, Florida, Maine and Louisiana, as they pertain to laws adopted which relate to and in part impose restrictions upon sex offenders with respect to residency; and

WHEREAS, the Common Council having also reviewed the decision of the United States Court of Appeals for the 8th Circuit, in *Doe v. Miller,* 405 F.3d 700, 716 (8th Cir.2005), providing in part: "The record does not support a conclusion that the Iowa General Assembly and the Government acted based merely on negative attitudes toward fear of or a bare desire to harm a politically unpopular group. [Citation omitted]. Sex offenders have a high rate of recidivism, and the parties presented expert testimony that reducing opportunity and temptation is important to minimizing the risk of reoffense. Even experts in the field could not predict with confidence whether a particular sex offender will reoffend, whether an offender convicted of an offense against a teenager will be among those who "cross over" to offend against a younger child, or the degree to which regular proximity to a place where children are located enhances the risk of reoffense against children. One expert in the district court opined that it is just "common sense" that limiting the frequency of contact between sex offenders and areas where children are located is likely to reduce the risk of an offense. [Citation omitted]. The policymakers of Iowa are entitled to employ such "common sense", and we are not persuaded that the means selected to pursue the State's legitimate interest are without rational basis"; and

WHEREAS, the Common Council having considered proposed amendments to the Municipal Code to provide residency restrictions for sex offenders and child safety zones to further protect children, and having received input at a public hearing upon the proposed amendments on June 19, 2007 following a class I notice, and upon all records and files and reports and proceedings pertaining to the subject matter, the Common Council finds the proposed amendments will serve to protect the health, safety and welfare of the Community.

NOW, THEREFORE, the Common Council of the City of South Milwaukee does hereby ordain as follows:

SECTION 1: Section 23.167 of the Municipal Code is hereby created to read as follows:

CHILD SEX OFFENDER RESIDING WITHIN 1000 FEET OF SCHOOLS, DAYCARE CENTERS, PARKS AND OTHER SPECIFIED FACILITIES AND CHILD SAFETY ZONES

§ 167-1. Purpose.

This Chapter is a regulatory measure aimed at protecting the health and safety of children in South Milwaukee from the risk that convicted sex offenders may re-offend in locations close to their residences. The City finds and declares that sex offenders who prey upon children are a serious threat to public safety. When convicted sex offenders reenter society, they are much more likely than any other type of offender to be re-arrested for a new sexual assault. Given the high rate of recidivism for sex offenders and that reducing opportunity and temptation is important to minimizing the risk of reoffense, there is a need to protect children where they congregate or play in public places in addition to the protections afforded by state law near schools, day-care centers and other places children frequent. The City finds and recognizes that in addition to schools and day-care centers, children congregate or play at public parks.

§ 167-2. Definitions.

As used in this Chapter and unless the context otherwise requires:
A "crime against children" shall mean any of the following offenses set forth within the Wisconsin Statutes, as amended or the laws of this or any other state or the federal government, having like elements necessary for conviction where the victim is a child:

§940.225(1) First Degree Sexual Assault;
§940.225(2) Second Degree Sexual Assault;
§940.225(3) Third Degree Sexual Assault;
§940.30 False Imprisonment-victim was minor and not the offender's child;
§940.31 Kidnapping-victim was minor and not the offender's child;
§948.02(1) First Degree Sexual Assault of a Child;
§948.02(2) Second Degree Sexual Assault of a Child;
§948.025 Engaging in Repeated Acts of Sexual Assault of the Same Child;
§948.05 Sexual Exploitation of a Child;
§948.055 Causing a Child to View or Listen to Sexual Activity;
§948.06 Incest with a Child;
§948.07 Child Enticement;
§948.075 Use of a Computer to Facilitate a Child Sex Crime;
§948.08 Soliciting a Child for Prostitution

§948.095 Sexual Assault of a Student by a School Instructional Staff;
§948.11(2)(a) or (am) Exposing Child to Harmful Material-felony sections;
§948.12 Possession of Child Pornography

B. "Residence" (reside) means the place where a person sleeps, which may include more than one location, and may be mobile or transitory.

§ 167-3 Residency restrictions.

No person who has been convicted of or been found not guilty by reason of a mental defect of disease of a crime against children as defined herein shall reside within 1000 feet of the real property comprising any of the following:

A. Any facility for children (which means a public or private school, a group home, as defined in §48.02(7), Stats., a residential care center for children and youth, as defined in §48.02(15d), Stats., a shelter care facility, as defined in §48.02(17), Stats., a foster home, as defined in §48.02(6), Stats., a treatment foster home, as defined in §48.02 (17q), Stats., a day-care center licensed under §48.65. Stats., a day-care program established under §120.12(14), Stats., a day care provider certified under §48.651. Stats., or a youth center, as defined in §961.01(22). Stats.; and/or

B. Any facility used for:
(1) a public park or parkway;
(2) a public swimming pool;
(3) a public library;
(4) a multi-use recreational trail;
(5) a public playground;
(6) a school for children;
(7) athletic fields used by children;
(8) a daycare center;
(9) aquatic facilities open to the public.

The distance shall be measured from the closest boundary line of the real property supporting the residence of a person to the closest real property boundary line of the applicable above enumerated use(s). A map depicting the above enumerated uses and the resulting residency restriction distances, as amended from time to time, is on file in the Office of the City Clerk for public inspection.

§ 167-4. Residency exceptions.

A person residing within 1000 feet of the real property comprising any of the uses enumerated in § 167-3. above, does not commit a violation of this Chapter if any of the following apply:

A. The person has established a residence prior to the effective date of this Chapter on August 30, 2007, which is within 1000 feet of any of the uses enumerated in § 167-3. above, or such enumerated use is newly established after such effective date and it is located within such 1000 feet of a residence of a person which was established prior to the effective date of this Chapter.

B. The person is a minor or ward under guardianship.

§ 167-5. Original domicile exemption.

In addition to and notwithstanding the foregoing, no person and no individual who has been convicted of a crime against children shall be permitted to reside in the City of South Milwaukee, unless such person was domiciled in the City of South Milwaukee at the time of the offense resulting in the person's most recent conviction for committing the crime against children.

§ 167-6. Child safety zones.

No person who has been convicted of or been found not guilty by reason of mental defect or condition of a crime against children as defined in this chapter shall enter or be present upon any real property upon which there exists any of the following facilities:

(1) a public playground;
(2) a school for children;
(3) athletic fields used by children;
(4) a daycare center;
(5) Any facility for children (which means a public or private school, a group home, as defined in §48.02(7), Stats., a residential care center for children and youth, as defined in §48.02(15d), Stats., a shelter care facility, as defined in §48.02(17), Stats., a foster home, as defined in §48.02(6), Stats., a treatment foster home, as defined in §48.02 (17q), Stats., a day-care center licensed under §48.65. Stats., a day-care program established under §120.12(14), Stats., a day care provider certified under §48.651. Stats., or a youth center, as defined in §961.01(22). Stats.

§ 167-7. Violations.

If a person violates § 167-3. above, by establishing a residence or occupying residential premises within 1000 feet of those premises as described therein, without any exception(s) as also set forth above, the City Attorney, upon referral from the Chief of Police and the written determination by the Chief of Police that upon all the facts and circumstances and the Purpose of this Chapter, such residence occupancy presents an activity or use of property that interferes substantially with the comfortable enjoyment of life, health, safety of another or others, shall bring an action in the name of the City in the Circuit Court of Milwaukee County to permanently enjoin such residency as a public nuisance. If a person violates § 167-6 above, in addition to the aforesaid injunctive relief, such person shall be subject to a forfeiture of not less than $100 nor more than $1000.00 for each violation. Each day a violation continues shall constitute a separate offense. In addition, the City may undertake all other legal and equitable remedies to prevent or remove a violation of this Chapter.

§167-8 Severable provisions.

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 2: All ordinances or parts of ordinances contravening this ordinance are hereby repealed.

SECTION 3: This ordinance shall take effect on and after its adoption and publication.

BY ORDER OF THE COMMON COUNCIL
OF THE CITY OF SOUTH MILWAUKEE

Thomas Zepecki
THOMAS ZEPECKI, Mayor

Attest:

Kathleen M. Lisowski
KATHLEEN M. LISOWSKI, City Clerk

Date Adopted: August 21, 2007

Date Published: August 30, 2007

Brown County Chiefs of Police Association

March 10, 2010

Re: Letter of Support for AB 759 and SB 548

To whom this concerns:

The purpose of this letter is to support the passing of Senate Bill 548 and Assembly Bill 759 prohibiting patchwork sex offender residency restrictions throughout our state.

In Brown County there are currently eleven different restrictive sex offender residency ordinances, and a twelfth is pending. The various ordinances are not uniform and only serve the narrow interest of the jurisdiction involved, and not the greater good of the community as a whole. We clearly understand the misconceptions the public, media and local elected officials may have, however, contrary to popular belief, restricting sex offender residency does more harm to a community that any good feeling that may come from passage of a restriction. National studies clearly show no correlation between where an offender lives and where an offense occurs.

The passage of the first ordinance in Brown County created a "Domino Effect" for surrounding communities to feel like they needed to enact something to protect the municipality from becoming a dumping ground for displaced sex offenders from the original jurisdiction. It continues to spread outward as each municipality feels a need to do something.

In Brown County such ordinances have created a huge negative and dangerous impact. Various agencies, including law enforcement, social services, and especially corrections have identified that sex offenders are falsely reporting their addresses at a rate that is twice the rate in the past couple years, an increase in offenders not reporting at all as required, and in some sexual assault court cases there has been a failure to reach a plea agreement for fear of not being able to live where they used to live when they would be released from prison. Brown County used to have a 96% reporting compliance rate. Today, that number is much less. Additionally, Department of Corrections agents have run into serious dead ends attempting to place released offenders in Brown County due to the patchwork of restrictive ordinances. These identified problems are in serious contrast to public safety interests.

Therefore, on behalf of the members of the Brown County Chief's of Police Association, I pledge our support for the passing of Senate Bill 548 and Assembly Bill 759 in order to increase public safety. Thank you in advance for your consideration.

Sincerely,

Derek A Beiderwieden, Chief
President BCCPA
dbeider@mail.de-pere.org

WISCONSIN STATE ASSEMBLY

PEGGY KRUSICK
STATE REPRESENTATIVE

To:	Members, Assembly Committee on Corrections and the Courts
From:	Peggy Krusick
Date:	March 11, 2010
Subject:	Opposition to AB 759

As a representative of the southwest side of Milwaukee and a large portion of the City of Greenfield, I strongly urge members to oppose AB 759. While well-intended, this legislation usurps local control and overturns the will of the people who live in communities like Greenfield that have enacted sex offender residency ordinances.

Last year, the City of Greenfield Common Council unanimously adopted a widely-supported ordinance which prohibits registered sex offenders from living within 1,000 feet of schools and other places where children are present. Several other elected boards in neighboring communities and in other parts of Wisconsin have adopted similar ordinances as well. Invalidating these strong local laws that seek to protect the public (and prohibiting other communities from doing likewise in the future) and replacing them with a less restrictive state law is the wrong course of action.

Please don't weaken the ability of local elected leaders and law enforcement to protect their communities as they see fit and as the citizens they serve demand. I respectfully urge you to oppose AB 759.